THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.21995 OF 2005

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Dt: 07.10.2005

Between:

Aware College of Nursing,

Shantivanam, Nagarjuna Sagar Road,

Hyderabad, rep. by its Secretary & Correspondent.

.. Petitioner

AND

The Principal Secretary to Government,

Health, Medical and Family Welfare Department,

Secretariat, Hyderabad & another.

.. Respondents

ORDER:

The petitioner is a college of Nursing and it was accorded permission and approval with an intake of 40 seats. On 30.8.2004, it made a representation to the respondents for enhancing the intake to 50. Inspection Committee was appointed through proceedings dated 16.11.2004, and a report is said to have been submitted by the competent authority in December 2004, making positive recommendation. The grievance of the petitioner is that no orders have been passed in the matter so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medial and Health.

The limited grievance of the petitioner is as to enhancement of intake from 40 to 50. For this purpose, it has already made an application on 30.8.2004. The 1st respondent is the authority competent to order enhancement of seats. On the directions issued by the 1st respondent, an inspection was caused and a report was submitted in December 2004, recommending the enhancement. It is further represented that a second inspection was also caused in the third week of September, 2005, which also ended in favour of the petitioner.

A perusal of the report, dated 16.11.2004, submitted by the

2nd respondent discloses that he made a request to the

1st respondent to pass appropriate orders to be in force for the academic year 2005-06. Reference was also made to the report of the Committee and its recommendations. In that view of the matter, the Memo, dated 03.02.2005, cannot be said to be in accordance with the relevant procedure. It is the 1st respondent that is to pass orders taking into account the reports as well as the recommendation of the 2nd respondent.

In that view of the matter, the writ petition is disposed of directing the 1st respondent to pass appropriate orders on the application of the petitioner for enhancement of intake from 40 to 50, duly taking into account the recommendation of the 2nd respondent as well as the reports that have been submitted so far, within a period of ten days from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:07.10.2005

Note: Furnish copy in

three days.

(B/o.) ***DA***